

99-0-1580

(Do Not Write Above This Line)

AN ORDINANCE Z-99-57  
BY: ZONING COMMITTEE

AN ORDINANCE TO REZONE FROM THE R-4 (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO THE C-1 (COMMUNITY BUSINESS) DISTRICT, PROPERTY LOCATED AT 112 & 122 CLEVELAND AVENUE, S.W., FRONTING 209.25 FEET ON THE SOUTH SIDE OF CLEVELAND AVENUE BEGINNING 113.68 FEET EAST FROM THE SOUTHEAST CORNER OF OLD HAPEVILLE ROAD. DEPTH: VARIES; AREA: 1.719 ACRES; LAND LOT 68, 14TH DISTRICT FULTON COUNTY, GEORGIA.  
OWNER: ZUCCALA, INC.  
APPLICANT: DANIEL ZUCCALA  
NPU-Z COUNCIL DISTRICT 12

1/13/00 - Tabled by Motion of Boyman Without Objection  
JAN 03 2000

FILED BY MAY 15 2000  
CITY COUNCIL

- ☐ CONSENT REFER
- ☒ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER

Date Referred 9-21 -99

Referred To: ZRB & Zoning

1/18/00 - ZRB (& Zoning)

First Reading

Committee \_\_\_\_\_  
Date 12-14-99  
Chair Danny Sheldahl

Committee \_\_\_\_\_  
Date 12-14-99  
Chair Danny Sheldahl  
Actions \_\_\_\_\_  
Fav, Adv, Held (see rev. side) \_\_\_\_\_  
Others \_\_\_\_\_  
Members \_\_\_\_\_  
Refer To \_\_\_\_\_

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Actions \_\_\_\_\_  
Fav, Adv, Held (see rev. side) \_\_\_\_\_  
Others \_\_\_\_\_  
Members \_\_\_\_\_  
Refer To \_\_\_\_\_

COUNCIL ACTION

☒ 2nd ☐ 1st & 2nd ☐ 3rd  
Readings  
☐ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

CERTIFIED  
May 15, 2000  
ATLANTA CITY COUNCIL PRESIDENT  
Cynthia A. Parks

MAYOR'S ACTION

CERTIFIED  
May 15, 2000  
Mayor's Office

99-0-1580

City Council  
Atlanta, Georgia

SUBSTITUTE ORDINANCE  
BY: ZONING COMMITTEE

Z-99-57  
4-6-00

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, as follows:

SECTION 1. That the Zoning Ordinance of the City of Atlanta be amended and the maps established in connection therewith be changed so that the following property located at **the rear of 112 Cleveland Avenue, S.W.**, be changed from the **R-4 (Single-Family Residential)** District to the **C-1 (Community Business)** District, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 68 of the 14<sup>th</sup> District, Fulton County, Georgia being more particularly described by the attached legal description.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development," as identified by the use of the suffix "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any zoning district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

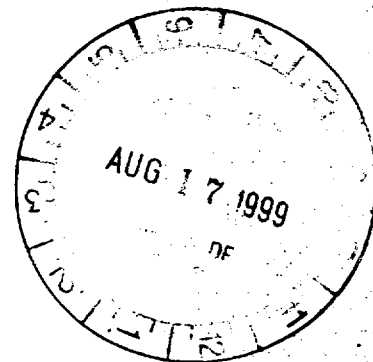
SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

## Exhibit "A"

All that tract or parcel of land lying and being in Land Lot 68, 14<sup>th</sup> District, City of Atlanta, Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at an iron pin on the southerly right of way of Cleveland Avenue, said iron pin being 113.68 feet easterly, as measured along said right of way of Cleveland Avenue from the intersection of said right of way of Cleveland Avenue and the easterly right of way of Old Hapeville Road; thence run along said right of way of Cleveland Avenue S 86 24'11"E 209.25 feet to an iron pin; thence leaving said right of way S 01 00'45"E 591.96 feet to an iron pin; thence N 86 19'23"W 72.03 feet to an iron pin; thence N 02 12'26"W 200.08 feet to an iron pin; thence N 01 18'10"W 153.86 feet to an iron pin; thence N 84 31'36"W 123.82 feet to an iron pin; thence N 03 09'25"W 235.17 feet to an iron pin on the southerly right of way of Cleveland Avenue and the POINT OF BEGINNING. Said tract contains 1.719 acres of land, and is more fully described on a Survey for Carniceria Hispana by Barton Surveying, Inc., dated January 7, 1998.

Less and except that portion of  
the above described property  
that is already zoned C-1.



Z-99-57



**ALL THAT TRACT OR PARCEL OF LAND LOT 68 OF THE 14<sup>TH</sup> DISTRICT FULTON COUNTY, AND FURTHER DESCRIBED AS FOLLOWS:**

To arrive at the point of beginning, commence at the intersection of Cleveland Avenue with Old Hapeville Road, and travel S 86° 24' 11" E a distance of 113.68 E to IPF; thence along the south side of Cleveland Avenue (RW varies from 25 to 35 feet) S 86° 24' 11" E at distance of 209.25 feet to an IPF; thence S 01° 00' 45" E a distance of 200 feet TO THE POINT OF BEGINNING; thence 40 feet S 01° 00' 45" E to an IPF thence 80 feet N 84° 31' 36" W; thence N 01° 00' 45" W a distance of 40 feet; thence S 84° 31' 36" E a distance of 80 feet, containing approximately 3200 square feet, or 0.0734618 acres.

The above land is the only land being sought to be re-zoned. Since 2700 square feet of the 3200 square feet are going to be used as buffer only, the only square footage currently zoned R-4 which would be utilized as part of the C-1 development, is 482 square feet, approximately 1% of the 48,482 square feet project.

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RCS# 1963  
5/15/00  
4:23 PM

Atlanta City Council

Regular Session

~~00~~-O-1580

99

Z-99-57; REAR OF 112 CLEVELAND AVE.;  
CHANGE R-4 TO C-1

FILE

YEAS: 14  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 0

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	NV Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

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